

## BOSS BAKER GETS HEAVY DAMAGES

Union Labor Receives a Set-back at the Hands of Wisconsin Judge.

## BOYCOTT IS A CONSPIRACY

EFFORT TO FORCE CLOSED SHOP UNLAWFUL.

Racine, Wis., Aug. 28.—Union labor was dealt a heavy blow by the decision of Judge Chester A. Fowler in the boycott suit for \$25,000 damages brought by Baker Otto B. Schultz against the Trades and Labor Council, Benjamin Drensen and others. By the decision the contract entered into by the union to close the shop, in an effort to enforce the closed shop, is held illegal, the trades council and the individual members are enjoined from using the "unfair" list, the boycott is declared an actionable conspiracy to accomplish a criminal or unlawful purpose. Baker Schultz is allowed to recover damages of \$2,500 for the loss of profits from the time of the commencement of the boycotting acts up to the time of the trial, and \$1,500 for damages for the amount of injury to his business and property in relation to its selling value.

### History of the Case.

The decision in part is as follows: "All boss bakers of the city signed this agreement except the plaintiff, who has steadfastly refused to do so. Upon the plaintiff's refusal to sign a concerted attack on his business was begun by organized labor, with the object and purpose of compelling him, against his will, to sign the contract and has been maintained with more or less vigor up to the present time.

"The plaintiff has suffered a permanent and all but destructive injury to his business, which has been caused by the combined acts and the attitude of organized labor.

"An injury to one's business and trade is on the same footing as an injury to his tangible property, and the law furnishes a remedy for one as well as the other.

### Acts Were Unlawful.

"The acts complained of are, in my view, plainly in violation of section 462A, Wisconsin statutes of 1898, as construed by the supreme court. This statute makes any two or more persons who shall combine, associate, mutually undertake or concert together for the purpose of willfully or maliciously injuring another, his trade or business, by means whatsoever, or for the purpose of maliciously compelling another to do or perform any act against his will, guilty of an offense punishable by fine and imprisonment.

"This contract was in itself an illegal contract in that it would by its terms obligate the plaintiff to employ union labor only as distinguished from non-union labor; it would obligate him to maintain a 'closed' shop as distinguished from an 'open' shop."

"You need a pill? Use DeWitt's Little Early Risers, the famous little pills. Do not sicken or gripe, but results are sure. Sold by Chas. Van Dyke, 280 Main street.

MOUNT'S Ketchup makes a good steak better. Comes in jars and quart bottles.

## KINGSBURY LIKES PHONETIC WAY

Continued from page 1.

fixed. It would, of course, be difficult for him to make a radical departure from the custom that has prevailed during his long scholastic life without a protest.

"The orthography of school text books has gradually changed in the last fifty years, but I am of the opinion that the changes in the next fifty years will be much more rapid.

### Many Societies Formed.

"A number of societies are being formed in various parts of the country to institute the new forms as rapidly as possible. It would not surprise me to see them formed in England, though the scholars of that country are prone to stand steadfast on ancient forms. It is not unlikely, however, that reform societies will be formed in all English-speaking countries, and in that manner these countries will be converted to the new spelling. This conversion will be made the more rapid than that which brought about the changes in the orthography of the tongue between the twelfth and nineteenth centuries.

"Even though the English have filed their protest, they will gradually drop into the custom. For example, changes are even now going on in English orthography. 'H-o-n-o-r' is supplanting 'h-o-n-o-u-r'; 'l-a-b-o-r' is replacing 'l-a-b-o-u-r'; and the 'u' similarly used in dropping into disuse on some of the best papers.

"There is a rapidly growing tendency today, especially in this country, to accomplish all things in the quickest and surest way. We do not want to make a wide detour to reach a certain point, when we can go to that point as easily on a direct line. We do not want to spend a lot of valuable time on things that we do not need to accomplish some end we have in view."

### No Action at University.

"Will the faculty of the University of Utah make any recommendation concerning the adoption of the use of the 200 words in its official correspondence, or their adoption by the students in the university?"

"Not so far as I know at this time. There may be some members of the faculty who would oppose the reform system. Others I believe would favor it. The matter will scarcely become a subject of faculty discussion this year at least. While I have not used the system myself, I occasionally receive correspondence in which the reformed words are embraced. They look a trifle odd at first, as a matter of course, but one soon becomes accustomed to the change.

"The child in his lower school grades would soon become accustomed to the changes, and would learn easily and readily to spell the words that they now work upon and worry for hours before they are certain of the spelling—and then they are not always certain."

"I believe that the list of simplified words will be increased from time to time, until perhaps several hundred other words will be tabulated."

"Will the official correspondence of the university be couched in the new form?"

"The new system will not be followed immediately in the official correspondence of the University of Utah. Just when such a change will be adopted I do not know."

Dr. Broadbent's  
Dental office 500 2nd Bldg., 163 Main.

## TRUST COMPANY FAILS; LIABILITIES \$10,000,000

Continued from Page 1.

this institution open (an effort made for public reasons, as I have no private interests therein). I have necessarily ascertained a great deal concerning its condition. This knowledge brought me to the conclusion that the company should not be permitted to fail, and that conclusion still is so strong with me that I believe, although it be against my own interest, that the receivership should be continued any length of time. It is my hope that as soon as I may verify my present beliefs, I can recommend a plan to the depositors that will better serve their interests and my own services.

It must not be forgotten that under a reasonable plan by which they will acquire all there is, they will receive much more than any receiver can obtain for them, for they can by that method preserve their very large and valuable business, which otherwise will be lost. In my judgment, a receivership is always the most costly and tardy method of administering corporate affairs and I trust that I may be able to make it plain that there is a hopeful method that will be less expensive and capable of inciting higher results. I ask, however, that until I can be perfectly sure of the wisdom of what I am recommending the depositors will not be too discouraged or anxious about their situation. The company, of course, has large assets that are certain and I believe examination will show that large returns may be derived from the assets that are not certain."

### Hoping for the Best.

John H. Converse was greatly shocked by the failure. He was an intimate friend of Mr. Hipple and was associated with him not only in business, but in the affairs of the Presbyterian church. Asked if he thought the failure a bad one, Mr. Converse said: "I cannot tell that now, but I am hoping for the best."

Mr. Converse, who is chairman of the trustees of the general assembly of the Presbyterian church, was asked for a definite statement regarding the funds and securities of the church, but said he could not give one at this time.

"The best I can say," he said, "is that I believe the securities of the trustees are safe. The auditor employed by the company went over the trust funds and other securities of the company, which amount to more than \$26,000,000, and found them intact. The papers of the trustees of the church are among those accounts. I would like it understood that the funds of the trustees are all kept invested as far as possible and that very little cash was on hand. Whatever amount of cash was in the bank was small, and will not be a serious loss, if a loss at all."

### Security Not Sufficient.

John H. Michener, president of the Clearing House association, in an interview tonight said that the failure of the association to subscribe the \$7,000,000 guarantee fund requested by the Real Estate Trust company was due to insufficient security. The trust company, he said, offered \$2,900,000 in gilt-edged securities, a two-thirds interest in the trust company's building, valued at \$2,000,000, and \$5,300,000 securities from Adolph Segal, valued by the directors of the trust company at \$3,000,000. The Clearing House association did not regard the Segal securities worth more than \$1,000,000 and declined to subscribe more than a total of \$4,000,000 unless the remaining securities were more substantial.

### Vice President Talks.

Samuel F. Houston, vice president of the company, said tonight that no other banking institution in this or any other city would be in the least affected by the failure. Gilt-edged securities whatever for whatever money was borrowed from other banks.

He said he hoped the company would be able to resume business, but would make no prediction on that point.

The board of publication of the Presbyterian church, which had between \$18,000 and \$20,000 on deposit with the Real Estate Trust company, made an effort to withdraw the money, but failed by three minutes. Hearing rumors of the unstable condition of the trust company, members of the board informed the officials of their intention to transfer the account to the Philadelphia National bank. A representative of the latter institution made all haste to the office of the trust company and arrived there three minutes after the doors had closed.

The board of ministerial relief of the Presbyterian church had \$50,000 deposited with the trust company.

### Hipple Was Treasurer.

According to last May's minutes of the Presbyterian general assembly, Mr. Hipple was treasurer of the board of trustees, and had his charge funds amounting to \$953,886, distributed as follows:

Bonds and mortgages, first liens on property, \$716,016.67; invested in securities, \$196,339.16; advances to secure bequests, \$3,335.07; paid to secure property under foreclosure, \$44,349.97; in trust for benefit of board of ministerial relief real estate mortgage, \$5,000, and nine properties in Philadelphia, value not given; a piece of property in Philadelphia for the benefit of the Mariners' church, value not given.

### Many Vacations Spoiled.

The failure undoubtedly means that hundreds of persons have cut short their vacations and are hurrying back from seashore and mountain resorts. The institution was a favorite depository for women and for well-to-do men who make use of purely personal accounts. The company was particularly attentive to this class of business.

For some days the books had not undergone a thorough examination, but the clerks' suspicion was due to a curious defalcation which was recently brought to light, but which was kept quiet. A young bookkeeper, known for an ingenious method of stealing which puzzled the bank officials, and is said to have aroused serious apprehension because of the difficulty in detecting and tracing him. So far as known more than \$3,000 was stolen from the bank by the clever young forger.

### Story of Adolf Segal.

Adolf Segal tonight made the following statement: "My business relations with Mr. Hipple were only those of a borrower. The loans of money made by the trust company to me were all made in collateral in the usual course of business. I cannot tell the exact amount of my indebtedness and that of the companies with which I am associated, but it is surely not over half the amount stated in the newspapers. I think it is about \$3,000,000.

"Mr. Hipple was not personally interested in any of my enterprises to the extent of a dollar or a share of stock. I never paid him a cent in commission or gave him a bond or a share of stock or remuneration of any kind whatever.

"For all my indebtedness, the trust company is amply secured by collateral worth from \$3,000,000 to \$9,000,000. This collateral consists largely of first mort-

gage bonds secured upon my various properties.

"My collateral cannot be converted into cash immediately, but by judicious handling I am convinced that in a reasonable time its full value will be realized."

### Segal a Daring Promoter.

The career of Adolf Segal is one of the most meteoric of local financiers. He arose from the seclusion of a modest business life to prominence as a daring promoter. Coming here from Austria less than twenty years ago, he located in Camden, N. J., and entered the chain lighting and ice manufacturing business. While these enterprises were in a flourishing condition he sold out at a good profit, having established a reputation for fair dealing.

His next venture was the establishment of a large sugar refinery on the Delaware river front in Camden. This he sold out at a large profit to the American Sugar Refining company. Mr. Hipple is said to have been interested in this deal and to have profited to the extent of \$100,000. Segal then bought a factory in Camden, which was bought out by the Diamond Match company.

### Sugar Refinery Idle.

Five years ago Segal erected an immense sugar refinery in this city, which was intended to be the first of a chain of refineries throughout the United States. Although completed more than two years the refinery has never been operated. Segal also erected 200 dwellings in Altoona near the Pennsylvania railroad shops. This, it is expected, will be a profitable venture.

Later he erected the Swedish steel works at Lancaster, Pa., which have never been operated. Segal's last enterprise was the construction of the majestic apartment house, one of the most elegantly appointed and palatial structures of its kind in this city. It has not been a financial success. It was formerly the home of William L. Elkington, the traction magnate, and was enlarged and embellished at a cost of nearly a million dollars.

### CAREER OF FRANK HIPPLE.

Held Prominent Place in Financial and Religious Circles.

Philadelphia, Aug. 28.—The late Frank K. Hipple was one of the best known financiers of this city and was also prominently identified with many charitable institutions and was active in the affairs of the Presbyterian church. He was born in this city in 1852, and was admitted to the bar in 1882. At the incorporation of the real estate company in 1888 he was elected its president, which office he retained until his death. Mr. Hipple was also a director of the Franklin National bank, treasurer of the general assembly of the Presbyterian church in the United States, treasurer of the endowment committee of the synod of Philadelphia, treasurer of the Presbyterian hospital and American treasurer of the western section of the Alliance of the Reformed Churches holding the Presbyterian system. In the financial world he was regarded as a decidedly conservative.

### No Autopsy Performed.

Mr. Hipple's death occurred suddenly last Friday morning at his summer home in Bryn Mawr. The cause of death was given as cerebral hemorrhages by his physician, Dr. William C. Powell, whose statement was confirmed by Coroner Eiling. The latter said today that he did not perform an autopsy, but accepted statement of Dr. Powell. In speaking of the death of his father, F. Wharton Hipple, said:

"My father came home in usual health and spirits. He arose about 6 o'clock in the morning and appeared perfectly well. He had the bath filled as usual and went to the bathroom. So far as we can learn he must have died instantly, for no outcry of any kind was heard and he was dead when found by Mrs. Hipple. Rumors that Mr. Hipple had committed suicide were quickly silenced by Dr. Powell and Coroner Eiling, who declared that death was due to natural causes.

### Directors Become Alarmed.

The first intimation that the Real Estate Trust company was in financial difficulties was given last Sunday, when at midnight a hastily called meeting of the directors of the institution was held. Among those who attended the conference were R. Dale Benson, John H. Converse, former Judge W. Porter Bayard Henry, John F. Betz and J. D. F. Junkin. At the conclusion of the meeting the following statement was issued:

"In view of the sudden death of the president, Frank K. Hipple, the directors of the Real Estate Trust company were called together last evening to consider the selection of a successor and to make other necessary arrangements. As soon as a decision is reached, announcement will be made.

"The meeting was held on Sunday evening at the fact that several of the directors could not reach the city."

### Shortage Discovered.

Another meeting of the directors was held yesterday and the affairs of the company were found to be badly involved. It was discovered that the shortage would amount to about \$7,000,000 and each of the directors gave his personal note for an amount that would aggregate \$5,500,000. It was then decided to ask the clearing house to come to the aid of the institution. The newspapers were requested to refrain from commenting upon the company's difficulties until after today's meeting of the clearing house, as the directors were sanguine that the institution would be saved.

Rumors of trouble reached the depositors, however, and this morning there was a slight run upon the bank, but it was not sufficient to bring about the collapse of the concern. About forty banks were represented at the clearing house meeting today, but they were unable to pledge the amount of money required without the sanction of their directors.

### Could Not Be Saved.

Separate meetings of the directors of all the local banks were called for 3:30 o'clock for the purpose of determining what action should be taken. In the meantime the run on the bank had grown so great that the institution could not withstand the pressure, and the doors were closed. In consequence the meetings of the various banks' directors were cancelled and a receiver was appointed for the Real Estate Trust company.

## SURGEONS WILL MEET HERE

Western Association to Hold Sessions in Zion Thursday, Friday and Saturday.

The Western Surgical and Gynecological association, embracing a membership of 100 scattered between the western Ohio boundary and the Pacific coast, will meet in Salt Lake tomorrow, Friday and Saturday. The program for this session is as follows:

### Thursday.

9 a. m.—Address of welcome by Governor Cutler. Address of welcome by Dr. M. H. Hughes of the present, the County Medical society. President's address, Dr. M. A. Harris of Chicago.

2:30—Excursion to Saltair leaving the Knutsford at 3:30 sharp.

### Friday.


9 to 1:30—Scientific program.  
3 to 5—Visit to Colonel Holmes' art gallery.  
6—Organ recital at the tabernacle.  
8:30—Banquet at the University club.  
Dr. Leonard Freeman of Denver, toastmaster.

### Saturday.

9 to 1:30—Scientific program.  
2 to 4—Automobile ride.  
4—Excursion to Lagoona.  
The headquarters of the association will be at the Knutsford and the sessions will be held in the Y. M. C. A. auditorium. A committee of women, of which Mrs. A. C. Ewing is chairman, will look after additional entertainment for the women visitors.

### The Dunlap Hat

For Fall and Winter 1906-07 will be shown for the first time Aug. 29.  
Brown, Terry & Woodruff Co.  
105 Main St.



## McDONALD

### FEEDS THE WORLD

## CHOCOLATES

Dealers should place their orders early for our Whipped Cream Chocolates, Parrot Stick and Specialties, as the demand is exceeding the supply.



## Fall and Winter 1906.

### Advance Styles

Of your fall and winter shoes are here. They are creations and worth your critical inspection. "Money Back" shoes in prices ranging from \$3.00 to \$7.50 now on display in our window.

# DAVIS

## Shoe Co.

## CHILD DIES OF DIPHTHERIA

Little Son of George Sheffield of Kaysville Is Buried.

(Special to The Herald.)

Kaysville, Aug. 28.—The little son of Mr. and Mrs. George B. Sheffield died suddenly of diphtheria. The child had been ill a week and was under the care of Dr. O. C. Nixon, who had been treating him for tonsillitis. Dr. S. Gleason was called in the last hours of the child's life, but too late to be of any aid. The funeral services were held last night.

Professor Tyler of Amherst college, said recently: "A man can live comfortably without brains; no man ever existed without a digestive system. The dyspeptic has neither faith, hope nor charity." Day by day people realize the importance of caring for their digestion; realize the need of the use of a little corrective after overeating. A corrective like Kodol For Dyspepsia. It digests what you eat. Sold by Chas. Van Dyke, 280 Main street.

\$35.45

To Goldfield and Return.  
From Salt Lake, Aug. 31 and Sept. 1, via Oregon Short Line. Tickets good for return to Sept. 10.

Labor day is ladies' and children's day at Wandamere.

## Union Dental Co.

218 South Main.  
**HONEST WORK.**  
**HONEST PRICES.**  
Painless Extraction of Teeth or No Pay. All Work Positively Guaranteed.  
Phones: Bell, 1128-X; Ind., 1124.

## Death Blow to "Dope" Pile "Cures"

Here is the plain Anti-Dope law recently passed by congress.

"Any preparation is illegal if the package fails to bear statement on the label of the quantity and proportions of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis-indica, choral, choral hydrate or any derivative or preparation of any such substances. Any mixture of drugs is unlawful if it bears any device, design or statement on the package which is false or misleading in any particular.

Above are the poisons entering into all pile medicines EXCEPT E-R-U-S-A PILE CURE. If the "dope" preparations are not labeled they are illegal and if truthfully labeled they are unlawful, because they claim to cure piles, whereas a standard medical authority, viz: "United States Pharmacopoeia," says it is false, as follows: "They (narcotics) are not supposed to exercise any specific curative influence. In piles ergot probably acts ONLY in producing severe local inflammation. Ergot is highly dangerous even when the quantity used is so small that no immediate effects are perceptible. The chief action of conium is upon the motor nerve, which it paralyzes. Acetate of Lead may give rise to chronic Lead Poisoning." They destroy vitality.

Not only so, but the use of medical authority justifies the claim that any of the old pile medicines cure E-R-U-S-A IS THE ONLY NON-NARCOTIC PILE CURE. Only reliable, up-to-date druggists sell E-R-U-S-A PILE CURE, VIZ:

F. J. Hill Drug Co.	Z. C. M. I. Drug Dept	Van Dyke Drug Co.
Willes-Horne Drug Co.	Leaver Drug Co.	F. C. Schramm,
Smith Drug Co.	Wallace Bros.	W. D. Mathis,
Sherwood's Pharmacy.	L. M. May, Ph. G.	L. P. Robinson,
Sun Drug Co.	W.H. Dayton Drug Co.	Anstee-Brice Drug Co.,
A. C. Smith.	Halliday Drug Co.	Hoover Drug Co.,
W. W. Anness.	Godbe-Pitts Drug Co.	McCoys' Pres. Pharm.
Central Drug Co.	Bridge Drug Co.	Whitworth's P. O. Drug Store.

Forty-one letters from leading wholesale druggists similar to the following will give the public a correct idea of the standing of the above retail druggists who sell E-R-U-S-A Pile Cure. Retail druggists of the highest standing sell and endorse E-R-U-S-A Pile Cure. "Moffitt West Drug Co., St. Louis, Mo. Now notice what druggists of the highest standing say of druggists who advocate the use of 'dope' or narcotic preparations: Dr. L. Griffin—Any druggist who sells or uses of any preparation containing opium, belladonna or other narcotics, ergot or cocaine, is not, in my opinion, worthy of the confidence of an intelligent community. I speak as a druggist knowing the injurious effects of these drugs. E. H. Dudley, Pharmacist, Kansas City, Mo. April 2, 1906. I regard the use of narcotic poisons for piles as dangerous and injurious. —B. C. Knott, Dispensing Druggist, Ogden, Utah. I have hundreds more, similar to these two.—Dr. L. Griffin.

## WE'RE IMPROVING THE BEST STORE IN TOWN. :: :: ::

- Going to make it about the best in any town.
- Going to show you H. S. & M. clothes in a better way than we have been showing them.
- Mr. Adams suggests that we're going to show them in the way they deserve to be shown.
- When these changes are completed we want you to come in and see a modern men's shop.
- You'll like the store better.
- You've always liked the clothes.

Richardson & Adams

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